

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-10 were pending. The indication of allowable subject matter in claims 3, 4, 7 and 8 is acknowledged with appreciation. [6/28/07 Office Action p.5].

By this paper, claims 1, 4, 8 and 10 are amended, claim 3 is cancelled without prejudice or disclaimer. Independent claim 1 is amended to recite, *inter alia*, "... wherein the image adjustment means comprises a smoothing means for performing a low pass filtering process on the aperture mask image, and the image adjustment means adjusts the value of the fundus image in accordance with a pixel value of the aperture mask image on which the pass filtering process is performed" Independent claim 10 is amended similarly. Support for these claim amendments is found throughout the application as originally filed, including for example at page 12.

Dependent claims 4 and 8 have been amended to depend from claim 1, instead of now cancelled claim 3.

Also, new claims 11-14 have been added. Independent claim 11 recites, *inter alia*, "image processing means for providing a line data which gently joins a pixel value of the fundus image within an aperture region of the aperture mask image and a pixel value of the fundus image outside the aperture region of the aperture mask image." Likewise, independent claim 14 recites, *inter alia*, "an image processing step for providing a line data which gently joins a pixel value of the fundus image within an aperture region of the aperture mask image and a pixel value of the fundus image outside the aperture region of the aperture mask image."

Support for claims 11 and 14 may be found, for example, at page 13, line 7 to page 14, line 3 in the Specification.

Claims 12 and 13 depend from claim 11, and recite, *inter alia*, that the image processing means “multiplies the pixel value of the fundus image with the pixel value of the aperture mask image on which a low pass filtering process is executed, so as to calculate the line data” and “adjusts the pixel value of the fundus image by multiplying on the pixel value of the fundus image a coefficient proportional to the pixel value of the aperture mask image on which a low pass filtering process is executed, before the calculation,” respectively. Support for claim 12 and 13 may be found, for example, at page 11 line 24 to page 13, line 6, and page 14, lines 4 to 21 of the Specification and Fig. 6, Fig. 7 of the Drawings.

As to the merits, claims 1, 2, 5, 6, 9 and 10 were rejected pursuant to 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication 2004/0239877 (“Takai”).

The office action admits that Takai fails to teach, disclose or suggest “the image adjustment means comprises smoothing means for performing a low pass filtering process on the aperture mask image, and the image adjustment means adjusts the value of the fundus image in accordance with a pixel value of the aperture mask image on which the pass filtering process is performed” [6/28/07 Office Action at p 5]. Accordingly, claim 1, which recites “the image adjustment means comprises a smoothing means for performing a low pass filtering process on the aperture mask image, and the said image adjustment means adjusts the value of the fundus image in accordance with a pixel value of the aperture mask image on which the pass filtering process is performed” is believed to be patentably distinct from Takai. Dependent

claims 2, and 4-9 and independent claim 10 also are believed to be patentably distinct from Takai for at least similar reasons.

Independent claim 11 recites “image processing means for providing a line data which gently joins a pixel value of the fundus image within an aperture region of the aperture mask image and a pixel value of the fundus image outside the aperture region of the aperture mask image.” Takai is directed towards a fundus imaging apparatus capable of repositioning an operator generated mark used for highlighting a region of the eye to be examined. Without a means of repositioning, when the operator changes the image magnification, the portion of the eye to be examined and the marked target would deviate from each other. [pg. 1 ¶¶ 0005-0006]. In any case, Takai does not disclose further image processing of the fundus image and the aperture region. Thus it is believed claim 11’s image processing means distinguishes that claim from Takai. For at least similar reasons, dependent claims 12-13 and independent claim 14 are believed to be patentably distinct from Takai.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5368.

Respectfully submitted,
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